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Subject: Information Disclosure Statement
U.S. Patent Application No. 10/840,189

Filing Date: May 5, 2004

In re Application of: LEE et al.

Title: NITRO-SUBSTITUTED NON-FLUORESCENT ASYMMETRIC
CYANINE DYE COMPOUNDS

Our File: 4378 D3 US

No. of pages (including cover sheet): 6

Enclosures:

Information Disclosure Statement (3 pages); and
PTO-1449 (2 pages)

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NO. 7233 P. 2/6

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Docket No. 4378 D3 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

) Group Art Unit: 1637

LEE et al.

) Examiner: To Be Assigned

Serial No.: 10/840,189

Filed: May 5, 2004

For: NITRO-SUBSTITUTED NON-
FLUORESCENT ASYMMETRIC
CYANINE DYE COMPOUNDS

CERTIFICATE OF MAILING	
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (listed on the attached Form PTO-1449) of which they are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement:

(a) [] accompanies a new patent application submitted herewith.

(b) [] is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491.

(c) [X] as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.

(d) [] as far as is known to the undersigned, is filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114.

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Page 2

- (e) [] is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final action under §1.113, a notice of allowance under §1.311, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR §1.17(p) or a certification as specified in 37 CFR §1.97(e), as checked below. Should any fee be due, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this sheet is enclosed.
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[If either of boxes (e) or (f) is checked above, the following "certification" under 37 CFR §1.97(e) may need to be completed.] The undersigned certifies that:

- [] Each item of information contained in the information disclosure statement was first cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- [] No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this information disclosure statement.

A copy of the items on PTO/SB/08A that are not United States Publications:

- [] are supplied herewith.
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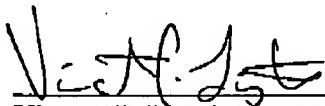
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Serial No. 09/602,544, filed June 21, 2000; and prior application Serial No. 09/012,525, filed January 23, 1998 and relied upon in this application for an earlier filing date under 35 USC §120.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,



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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/840,189
				Filing Date	May 5, 2004
				First Named Inventor	Linda G. Lee
				Group Art Unit	1637
				Examiner Name	To be assigned
Sheet	1	of	2	Attorney Docket No.	4378 D3

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
1	4,883,867			Lee et al.	11/28/1989	
2	5,321,130			Yue et al.	06/14/1994	
3	5,410,030			Yue et al.	04/25/1995	
4	5,436,134			Haugland et al.	07/25/1995	
5	5,534,416			Millard et al.	07/09/1996	
6	5,582,977			Yue et al.	12/10/1996	
7	5,656,449			Yue	08/12/1997	
8	5,658,735			Lee	08/19/1997	
9	5,658,751			Yue et al.	08/19/1997	
10	5,863,753			Haugland et al.	01/26/1999	

FOREIGN PATENT DOCUMENTS						
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		Office ³	Number ⁴	Kind Code ⁵ (if known)		
11	EP	0 710 668	A2	Becton Dickinson Co	05/08/1996	
12	EP	0 714 986	A1	Tosoh Corporation	06/05/1996	
13	JP	09 288326			11/04/1997	
14	WO	96/04405		The Regents of the University of California	02/15/1996	
15	WO	96/15270		Perkin-Elmer Corp.	05/23/1996	
16	WO	97/45539		Mikael Kubista, N. Solstensvagen	12/04/1997	

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO				Complete if Known	
				Application Number	10/840,189
				Filing Date	May 5, 2004
				First Named Inventor	Linda G. Lee
				Group Art Unit	1637
				Examiner Name	To be assigned
Sheet	2	of	2	Attorney Docket No.	4378 D3

OTHER ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	17	Benson et al., "Fluorescence Energy-Transfer Cyanine Heterodimers with High Affinity for Double-Stranded DNA," <i>Analytical Biochemistry</i> , <u>231</u> :247-255 (1995)	
	18	Brooker et al., "Color and Constitution. V. The Absorption of Unsymmetrical Cyanines Resonance as a basis for a Classification of Dyes," <i>JACS</i> <u>64</u> :199-210 (February 1942)	
	19	Ficken, G.E., "Cyanine Dyes," <i>The Chemistry of Synthetic Dyes</i> , Vol. IV, Venkataraman, Chapt. V. pp. 211-340 (1971)	
	20	Hung et al., "Cyanine Dyes with High Absorption Cross Section as Donor Chromophores in Energy Transfer Primers," <i>Analytical Biochemistry</i> <u>243</u> :15-27 (1996)	
	21	Inagaki et al., "Photothermographic material," <i>Chemical Abstracts</i> <u>128</u> (4):1162 (January 26, 1998)	
	22	Lee et al., "Thiazole Orange: A New Dye for Reticulocyte Analysis," <i>Cytometry</i> <u>7</u> :508-517 (1986)	
	23	Mujumdar et al., "Cyanine Dye Labeling Reagents: Sulfoindocyanine Succinimidyl Esters," <i>Bioconjugate Chem.</i> <u>4</u> (2):105-111 (1993)	
	24	International Search Report from PCT/US99/01163 mailed 06/04/99	

Examiner Signature	Date Considered
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